

IN THE MATTER OF THE APPLICATION OF RICHARD J. JOHNSON, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTH SIDE OF FORGE ROAD, REAR 167' WEST OF END 236' ACCESS ROAD, SUCH ROAD BEING 220' WEST OF AND OPPOSITE WINKLER ROAD (5216 FORGE ROAD) 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This matter comes before the Board as an appeal from the decision of the Zoning Commissioner dated November 29, 1989 which denied the subject Petition for Variance on property located in the Eleventh Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Letter of Dismissal of appeal filed June 13, 1990 (a copy of which is attached hereto and made a part hereof) from David S. Pearl, Esquire, Counsel for the Appellants in the above-entitled case; and WHEREAS, Mr. Pearl requests that the appeal filed by him on behalf of said Appellants be dismissed and withdrawn as of June 13, 1990,

IT IS HEREBY ORDERED this 13th day of June, 1990 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
William T. Hackett, Chairman
Harry E. Buchheister, Jr.
Lawrence E. Schmidt

GERSHBERG AND PEARL
ATTORNEYS AT LAW
SUITE 702 TITLE BUILDING
110 ST. PAUL STREET
BALTIMORE, MARYLAND 21202-1748
(301) 837-2850
FAX: (301) 837-2501

RICHARD L. GERSHBERG
DAVID S. PEARL
DAVID E. SOBER
JUDITH C. TODES
SCOTT M. SHERLOCK

June 12, 1990

The County Board of Appeals for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 90-164-A
Richard J. Johnson, et ux.
N/s Forge Road, rear 167' W of end of 236' access road, such road being 220' W of & opposite Winkler Road (5216 Forge Road) 11th Election District; 5th Councilmanic District
VAR - to allow pool in front yard in lieu of rear yard.

11/29/89 - z.c.'s Order Denying Petition

Gentlemen:

Please be advised that my clients, Mr. and Mrs. Richard Johnson do hereby wish to dismiss their appeal. They may plan, however, to refile the zoning variance in a couple of years.

Please advise whether there are any outstanding costs or other information that you may need to effectuate the dismissal.

Very truly yours,

David S. Pearl

DSP:gcl
pc: Mr. and Mrs. Richard Johnson
1532L-12.2

RECEIVED
COUNTY BOARD OF APPEALS
JUN 14 1990

IN RE: PETITION FOR ZONING VARIANCE
NS Forge Rd., rear 167' west of end 236' access road, such road being 220' west of and opposite Winkler Road (5216 Forge Road) 5th Councilmanic District 11th Election District
Richard J. Johnson, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 to allow an accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, Mr. and Mrs. Johnson, did not appear. Mr. J.A. Arkuszewski, Jr., of Aries Builders, appeared and testified on behalf of the Petitioners. Mr. B. Rain, 5216A Forge Road, Perry Hall, and Mr. P. Snedegar, appeared as Protestants.

Testimony indicated that a new home has been built on lot No. 2, shown on Petitioners' Exhibit 1, in the location shown for the home on that exhibit. The home was constructed in the past two years in such a manner as to place the majority of the available open lot in the front yard of this property. The Petitioners have now requested that a swimming pool be constructed on this site. They want it in the front yard, due to the topography of the land.

The Protestants argue that the construction of this pool is inconsistent with the zoning regulations and that if any hardship has been created, by the placement of this pool in the front yard, the creation of that

ORDER RECOMMENDED FOR FILING
Date 4/16/90
By J. Robert Haines

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Date 4/16/90
By J. Robert Haines

hardship is a result of the Petitioners own actions in placing the home too far to the rear of the lot and occupying the large percentage of the land in the rear yard.

The evidence overwhelmingly establishes that the Petitioners have created this hardship for themselves. The Petitioners contracted to have the subject house built upon the subject lot which is, clearly, large enough to accommodate a swimming pool and a house. A short time after the subject home was constructed, the Petitioners are now desirous of placing an accessory structure, namely, a swimming pool on the lot in a position that is in absolute contradiction with the Baltimore County Zoning Regulations (B.C.Z.R.).

Clearly, the Petitioner created the situation that exists today upon this lot and the hardship and practical difficulty, if any, has been solely created by the actions and behavior of the Petitioner.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

-2-

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variance. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of November, 1989 that the Petition for a Variance to allow an accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard, be and is hereby DENIED.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for Baltimore County

JRH:mmm
cc: Peoples Counsel

ORDER RECOMMENDED FOR FILING
Date 4/16/90
By J. Robert Haines

-3-

ZONING DESCRIPTION

Lot #2 in the subdivision of the Patrick L. Donovan property.
Liber S.M. 57, Folio 118. Also known as 5216 Forge Road, Perry Hall, in the 11th Election District, 4th Precinct.

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-164-A
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to allow an accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to allow an accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard.

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IN THE MATTER OF THE APPLICATION OF RICHARD J. JOHNSON, ET UX FOR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTH SIDE OF FORGE ROAD, REAR 167' WEST OF END 236' ACCESS ROAD, SUCH ROAD BEING 220' WEST OF AND OPPOSITE WINKLER ROAD (5216 FORGE ROAD) 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This matter comes before the Board as an appeal from the decision of the Zoning Commissioner dated November 29, 1989 which denied the subject Petition for Variance on property located in the Eleventh Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Letter of Dismissal of appeal filed June 13, 1990 (a copy of which is attached hereto and made a part hereof) from David S. Pearl, Esquire, Counsel for the Appellants in the above-entitled case; and WHEREAS, Mr. Pearl requests that the appeal filed by him on behalf of said Appellants be dismissed and withdrawn as of June 13, 1990,

IT IS HEREBY ORDERED this 13th day of June, 1990 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
William T. Hackett, Chairman
Harry E. Buchheister, Jr.
Lawrence E. Schmidt

ORDER RECOMMENDED FOR FILING
Date 4/16/90
By J. Robert Haines

ESTIMATED LENGTH OF HEARING 1/2 HR (over)
AVAILABLE FOR HEARING MON./TUES./WED. - NEXT 600 HOURS
ALL OTHER DATE 7-25-89
REVIEWED BY: J. Robert Haines

#29

90-164-A

MAP NEIN
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11A
DATE 4-16-90
270
1000
DP D

GERSHBERG AND PEARL
ATTORNEYS AT LAW
SUITE 702 TITLE BUILDING
110 ST. PAUL STREET
BALTIMORE, MARYLAND 21204
(301) 837-2550
FAX: (301) 837-2551

RICHARD L. GERSHBERG
DAVID S. PEARL
DAVID E. ROBERTS
JUDITH C. TODD
SCOTT M. SHERLOCK

June 12, 1990

The County Board of Appeals
for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 90-1-A
Richard J. Johnson, et ux.
N/s Forge Road, rear 167' W of end of 235' access
road, such road being 220' W of & opposite
Winkler Road (5216 Forge Road)
11th Election District; 5th Councilmanic District
VAR - to allow pool in front yard in lieu of
rear yard.
11/29/89 - Z.C.'s Order Denying Petition

Gentlemen:

Please be advised that my clients, Mr. and Mrs. Richard Johnson do hereby wish to dismiss their appeal. They may plan, however, to refile the zoning variance in a couple of years.

Please advise whether there are any outstanding costs or other information that you may need to effectuate the dismissal.

Very truly yours,

David S. Pearl
David S. Pearl

DSP:gc1
pc: Mr. and Mrs. Richard Johnson
1532L-12.2

91-111W 01 NOV 05
STEWART & GIBBS ARCHITECTS
03/12/2025



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

June 13, 1990

David S. Pearl, Esquire
Gershberg and Pearl
Suite 702 Title Building
110 St. Paul Street
Baltimore, Maryland 21202-1748

Re: Case No. 90-64-A (Richard J. Johnson, et ux)

Dear Mr. Pearl:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

LindaLee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. and Mrs. Richard Johnson
Mr. Barry Rider
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

February 9, 1990
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-164-A RICHARD J. JOHNSON, ET UX
N/s Forge Rd., rear 167' W of end 236' access
road, such road being 220' W of & opposite
Winkler Rd. (5216 Forge Rd.)
11th Election District; 5th Councilmanic District
VAR - to allow pool in front yard in lieu of
rear yard.
11/29/89 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: FRIDAY, JULY 13, 1990 at 10:00 a.m.

cc: David S. Pearl, Esquire Counsel for Petitioners/Appellants
Mr. and Mrs. Richard Johnson
Mr. Barry Rider
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

February 9, 1990
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ASSIGNED FOR: FRIDAY, JULY 13, 1990 at 10:00 a.m.

cc: David S. Pearl, Esquire Counsel for Petitioners/Appellants
Mr. and Mrs. Richard Johnson
Mr. Barry Rider
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kuszmaul
Legal Secretary



LindaLee M. Kuszmaul
Legal Secretary

*P.C. not
received
ph*

91-111W 01 NOV 05
STEWART & GIBBS ARCHITECTS
03/12/2025

2/9/90 - Following parties notified of hearing set for Fri., July 13, 1990 at 10:00 a.m.:

David S. Pearl, Esquire
Mr. and Mrs. Richard Johnson
Mr. Barry Rider
People's Counsel
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

5/21/90

Received 1/3 from gentleman regarding Case No. 90-164-A - sign posted in front of 734 Wampler Road.

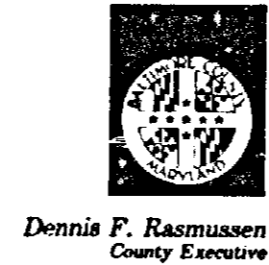
This sign should have been located at 5216 Forge Road (Richard Johnson, et ux); had originally been posted in January 1990; reposted 5/18/90; telephoned Mr. Stealey.

He will verify that 5216 Forge Road is still posted; and will also ride past 734 Wampler Road; if sign is there, he will remove it.

k

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

January 8, 1990



Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
NS Forge Rd., rear 167' west of
enc 236' access road, such road
being 220' west of and opposite
Winkler Road
(5216 Forge Road)
11th Election District, 5th Councilmanic District
Richard J. Johnson, et ux - Petitioner
Case No. 90-164-A

Dear Board:

Please be advised that an appeal of the above referenced case was filed in this office on December 18, 1989 by David S. Pearl, Esquire. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:jet

Enclosures

cc: David S. Pearl, Esquire, 110 St. Paul St., Balto., Md. 21202-1748
Richard R. Johnson, et ux, 5216 Forge Road, Perry Hall, Md. 21143
Barry Rider, 7813 Severly Avenue, Balto., Md. 21234
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File

GERSHBERG AND PEARL
ATTORNEYS AT LAW
SUITE 702 TITLE BUILDING
110 ST. PAUL STREET
BALTIMORE, MARYLAND 21202-1748
(301) 837-2550
FAX: (301) 837-2551

RICHARD L. GERSHBERG
DAVID S. PEARL
JUDITH C. TODD
SCOTT M. SHERLOCK

*MEMBER AMERICAN INSTITUTE OF
LAWYERS ASSN. WASHINGTON, D.C.
CHARTER

December 12, 1989

Mr. J. Robert Haines
Baltimore County Zoning
Commissioner, Office of
Planning and Zoning
Towson, Maryland 21204

RE: Mr. and Mrs. Richard R. Johnson

Dear Mr. Haines:

Please be advised that this office was retained by Mr. and Mrs. Richard R. Johnson with reference to your denial of their petition for zoning variance, Case No. 90-164-A.

Kindly be advised that it is the intention of Mr. and Mrs. Richard R. Johnson to appeal your decision.

Enclosed therefore, please find a check made payable to Baltimore County Maryland in the amount of \$150.00 covering the appeal fee.

If other documentation or forms are required, please forward them to my office immediately. Thank you for your kind attention to this matter.

Very truly yours,

David S. Pearl
David S. Pearl

DSP:cmg
Enclosure
cc: Richard R. Johnson
0458L-1.2

RECEIVED DEC 18 1989

Baltimore County
Zoning Commission
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001 F150
Number:

receipt
N. 948

Date

1/10/90

APPEAL FEES

140 - OF ALL OTHER ORDERS

150 - POSTING SIGNS / ADVERTISEMENTS

LAST NAME OF ORDER: JOHNSON

Cashier Validation:

Please make checks payable to: Baltimore County

90-164-A

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

November 24, 1989



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Richard R. Johnson
5216 Forge Road
Perry Hall, Maryland 21143

RE: Petition for Zoning Variance
Case No. 90-164-A

Dear Mr. and Mrs. Hughes:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 190.1

To allow an accessory structure, swimming pool, to be located in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Due to the steep grade, it would be difficult, if not impossible, to construct a pool elsewhere on the property. 2. the zoning regulation in question did not, we feel, consider "handicapped lots" such as this. 3. A variance from this regulation would still observe the spirit of the regulation without jeopardizing public welfare or safety.

Property is to be posted and advertised as prescribed by Zoning Regulations.

1. or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Richard J. Johnson

(Type or Print Name)

Signature

Helen R. Johnson

(Type or Print Name)

Signature

Address

City and State

Name

Address

City and State

Name

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City and State

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 24, 1989



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Richard R. Johnson
5216 Forge Road
Perry Hall, Maryland 21143

RE: Petition for Zoning Variance
Case No. 90-164-A

Dear Mr. and Mrs. Hughes:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

GERSHBERG AND PEARL

ATTORNEYS AT LAW
SUITE 702 TITUS BUILDING
110 ST. PAUL STREET
BALTIMORE, MARYLAND 21202-1748

(301) 887-2850
FAX: (301) 837-2561

December 12, 1989

MEMBER AMERICAN INMIGRATION
LAWYERS ASSN. WASHINGTON, D.C.
CHARTER

RICHARD L. GERSHBERG
DAVID S. PEARL
JUDITH C. TOBAS
SCOTT M. STERLOCK

Mr. J. Robert Haines
Baltimore County Zoning
Commissioner, Office of
Planning and Zoning
Towson, Maryland 21204

RE: Mr. and Mrs. Richard R. Johnson

Dear Mr. Haines:

Please be advised that this office was retained by Mr. and Mrs. Richard R. Johnson with reference to your denial of their petition for zoning variance, Case No. 90-164-A.

Kindly be advised that it is the intention of Mr. and Mrs. Richard R. Johnson to appeal your decision.

Enclosed therefore, please find a check made payable to Baltimore County Maryland in the amount of \$150.00 covering the appeal fee.

If other documentation or forms are required, please forward them to my office immediately. Thank you for your kind attention to this matter.

Very truly yours,

David S. Pearl

DSP:cmg
Enclosure
cc: Richard R. Johnson
0458L-1.2

RECEIVED DEC 18 1989

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1

To allow an accessory structure existing on the property to be located in the front yard in lieu of the required rear yard.

in the front yard in lieu of the required rear yard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Richard J. Johnson

(Type or Print Name)

Signature

Helen R. Johnson

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

J.A. Arkuszewski, Jr.

Name

Address

City and State

1131 Engelberth Rd., Balto., 21221

Address

391-5570 9

ORDERED BY THE Zoning Commissioner of Baltimore County, this 19th day of November, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County, on the 19th day of November, 1989, at 10:00 o'clock A.M.

County, on the 19th day of November, 1989, at 10:00 o'clock A.M.

J. Robert Haines

Zoning Commissioner of Baltimore County

(over)

Baltimore County

Zoning Commissioner

Office of Planning & Zoning

Towson, Maryland 21204

(301) 887-3353

J. Robert Haines

Zoning Commissioner

Mr. and Mrs. Richard R. Johnson
5216 Forge Road
Perry Hall, Maryland 21143

RE: Petition for Zoning Variance
Case No. 90-164-A

Dear Mr. and Mrs. Hughes:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines

Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

January 8, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
N/S Forge Rd., rear 167' west of
enc 236' access road, such road
being 220' west of and opposite
Winkler Road

(5216 Forge Road)
11th Election District, 5th Councilmanic District
Richard J. Johnson, et ux - Petitioner
Case No. 90-164-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on December 18, 1989 by David S. Pearl, Esquire. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

Zoning Commissioner

JRH:jet

Enclosures

cc: David S. Pearl, Esquire, 110 St. Paul St., Balto., Md. 21202-1748
Richard R. Johnson, et ux, 5216 Forge Road, Perry Hall, Md. 21143
Barry Rider, 7813 Beverly Avenue, Balto., Md. 21234
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File

APPEAL

Petition for Zoning Variance
N/S Forge Rd., rear 167' west of
enc 236' access road, such road
being 220' west of and opposite
Winkler Road (5216 Forge Road)
5th Councilmanic District - 11th Election District
RICHARD J. JOHNSON, ET UX - Petitioners
Case No. 90-164-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments, dated October 31, 1989

Petitioner's Exhibit: 1. Plat for Zoning Variance

Protestant's Exhibits: 1 thru 6 - Plats describing different pools and 2 pages - 4 pictures of site

Zoning Commissioner's Order, dated November 29, 1989

Notice of Appeal received December 18, 1989

List all Names of parties involved

David S. Pearl, Esquire, 110 St. Paul St., Balto., Md. 21202-1748
Richard R. Johnson, et ux, 5216 Forge Road, Perry Hall, Md. 21143
Barry Rider, 7813 Beverly Avenue, Balto., Md. 21234

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3353

HEARING ROOM -
Room 301, County Office Bldg.

February 9, 1990

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-164-A RICHARD J. JOHNSON, ET UX
N/S Forge Rd., rear 167' W of enc 236' access
road, such road being 220' W of & opposite
Winkler Rd. (5216 Forge Rd.)
11th Election District; 5th Councilmanic District
VAR -to allow pool in front yard in lieu of
rear yard.
11/29/89 - Z.C.'s Order DENYING petition.

ASSIGNED FOR: FRIDAY, JULY 13, 1990 at 10:00 a.m.

cc: David S. Pearl, Esquire Council for Petitioners/Appellants

Mr. and Mrs. Richard Johnson

Mr. Barry Rider

People's Counsel for Baltimore County

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

LindaLee M. Kuszaul
Legal Secretary

OFFICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning of the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.

Petition for Zoning Variance
Case Number: 90-164-A
NS Forge Road, rear 167' West of end of 236' access road, such road being 220' West of and opposite Winkler Road
5216 Forge Road
11th Election District - 5th Councilmanic District
Petitioner(s): Richard J. Johnson, et ux
HEARING: THURSDAY, NOVEMBER 9, 1989 at 2:00 p.m.

NOTE: (If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. ROBERT HAINES
Zoning Commissioner
BALTIMORE COUNTY
MD 21204 OCT. 12

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 12, 1989.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zake - Oliver
Publisher

PO 17274
reg M34244
ca 90-164-A
price \$93.57

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning of the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the date and at the time specified below.

Petition for Zoning Variance
Case Number: 90-164-A
NS Forge Road, rear 167' West of end of 236' access road, such road being 220' West of and opposite Winkler Road
5216 Forge Road
11th Election District - 5th Councilmanic District
Petitioner(s): Richard J. Johnson, et ux
HEARING: THURSDAY, NOVEMBER 9, 1989 at 2:00 p.m.

NOTE: (If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. ROBERT HAINES
Zoning Commissioner
BALTIMORE COUNTY
MD 21204 OCT. 12

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct 13, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 12, 1989.

THE JEFFERSONIAN,

S. Zake - Oliver
Publisher

PO 17274
reg M34244
ca 90-164-A
price \$93.57

CERTIFICATE OF POSTING

DATE OF POSTING: 10/17/89

District: 11/4

Posted for: Louisa

Petitioner: Richard J. Johnson, et ux

Location of property: NS Forge Road, rear 167' West of end of 236' access road, such road being 220' West of and opposite Winkler Road
5216 Forge Road
11th Election District - 5th Councilmanic District
Petitioner(s): Richard J. Johnson, et ux
HEARING: THURSDAY, NOVEMBER 9, 1989 at 2:00 p.m.

Remarks: See map showing location of property

Posted by: J. Robert Haines

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10/17/89

Mr. & Mrs. Richard J. Johnson
5216 Forge Road
Perry Hall, Maryland 21143

Re: Petition for Zoning Variance
CASE NUMBER: 90-164-A
NS Forge Road, rear 167' West of end of 236' access road, such road being 220' West of and opposite Winkler Road
5216 Forge Road
11th Election District - 5th Councilmanic District
Petitioner(s): Richard J. Johnson, et ux
HEARING: THURSDAY, NOVEMBER 9, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Johnson:

Please be advised that \$212.14 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: File

NOTE: (If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 23, 1989



Dennis F. Rasmussen
County Executive

BILLING CORRECTION

Richard J. Johnson
5216 Forge Road
Perry Hall, Maryland 21143

Re: Case Number: 90-164-A

Petitioner(s): Richard J. Johnson, et ux

Dear Petitioners:

Our prior billing dated October 17, 1989. The correct charging and posting charges for the above case is

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: 80016150
Number: 256

Receipt
256

11/05/89

PUBLIC HEARING FEES

QTY PRICE

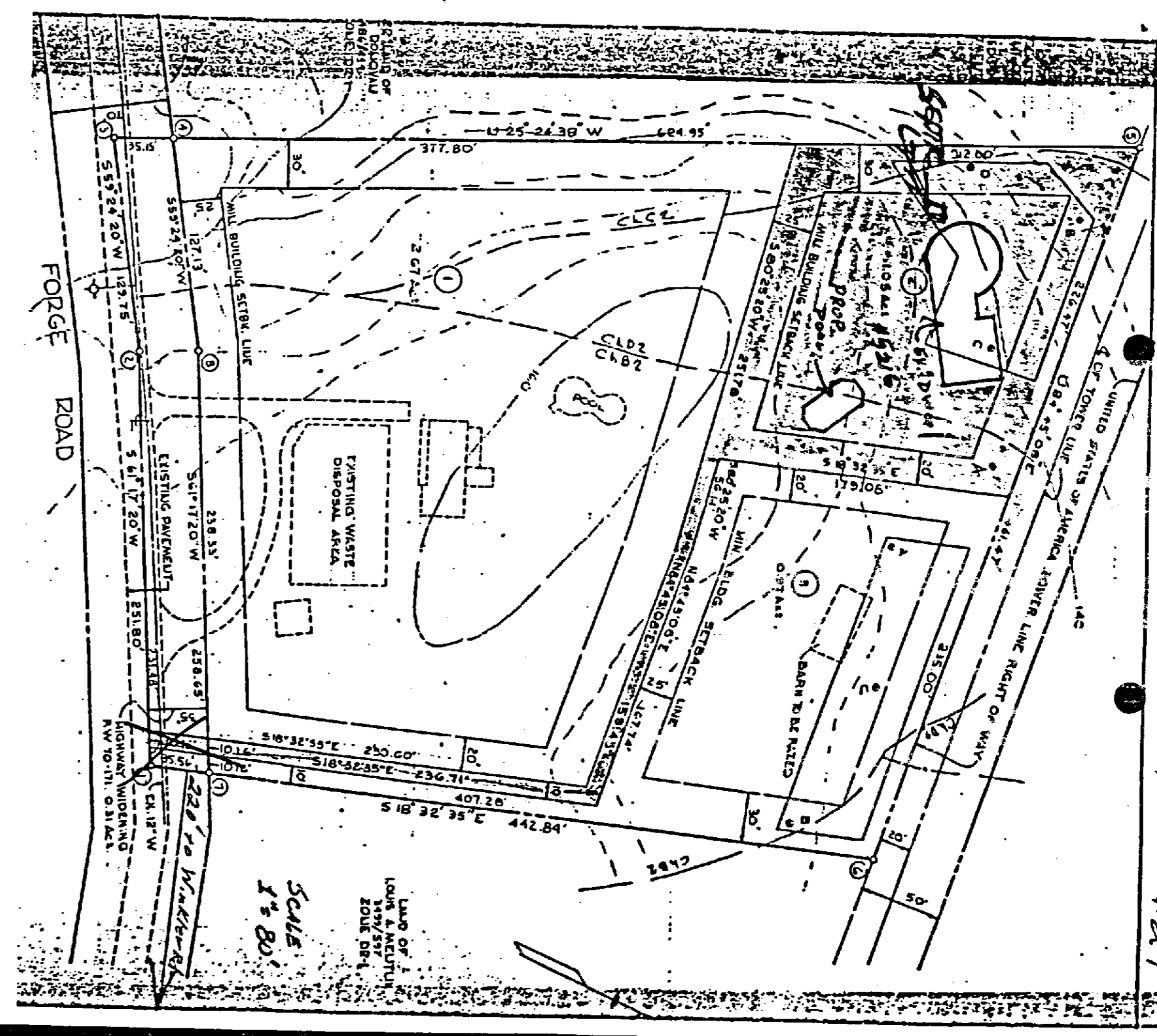
080 - POSTING SIGNS / ADVERTISING 1 X \$119.27

LAST NAME OF OWNER: JOHNSON TOTAL: \$119.27

8096*****118571a 2054F

Please make checks payable to: Baltimore County

PLAT FOR ZONING VARIANCE \$5216 Forge Rd.
OWNER: RICHARD J. & HELEN R. JOHNSON
DISTRICT II - ZONED DE-1
SUBDIV. - THORNTON DRIVEWAY PROPERTY
LOT 2 LIBEL 5th ST FROM 118
Water from Forge Rd.



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Richard J. Johnson
5216 Forge Road
PerryHall, MD 21148

RE: Item No. 29, Case No. 90-164-A
Petitioner: Richard J. Johnson
Petition for Zoning Variance

Dear Mr. & Mrs. Johnson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. J. A. Arkuszewski, Jr.
1131 Engelberth Road
Baltimore, MD 21221

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
9th day of August, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard J. Johnson, et ux
Petitioner's Attorney:

Nov. 9

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: October 31, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Richard Johnson, Item 29
Zoning Petition No. 90-164

The Petitioner requests a Variance to allow an accessory structure to be located in the front yard in lieu of the required rear yard.

In reference to this request, Staff offers the following comments:

- The Petitioner should erect a fence in compliance with Section 427 of the B.C.Z.R.
- Plant screening shall be provided along the property line adjacent to Lot 3.
- Plans should be submitted to the Baltimore County Landscape Planner for review prior to any improvement of the property.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl
ZP90/164

11/1/89 *See mail ju.*

NOV 0 1 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3334

RECEIVED
AUG 31 1989

ZONING OFFICE

August 25, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and 42.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4300
Paul H. Reincke
Chief

AUGUST 11, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD J. JOHNSON
Location: #5216 FORGE ROAD

Item No.: 29 Zoning Agenda: AUGUST 8, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

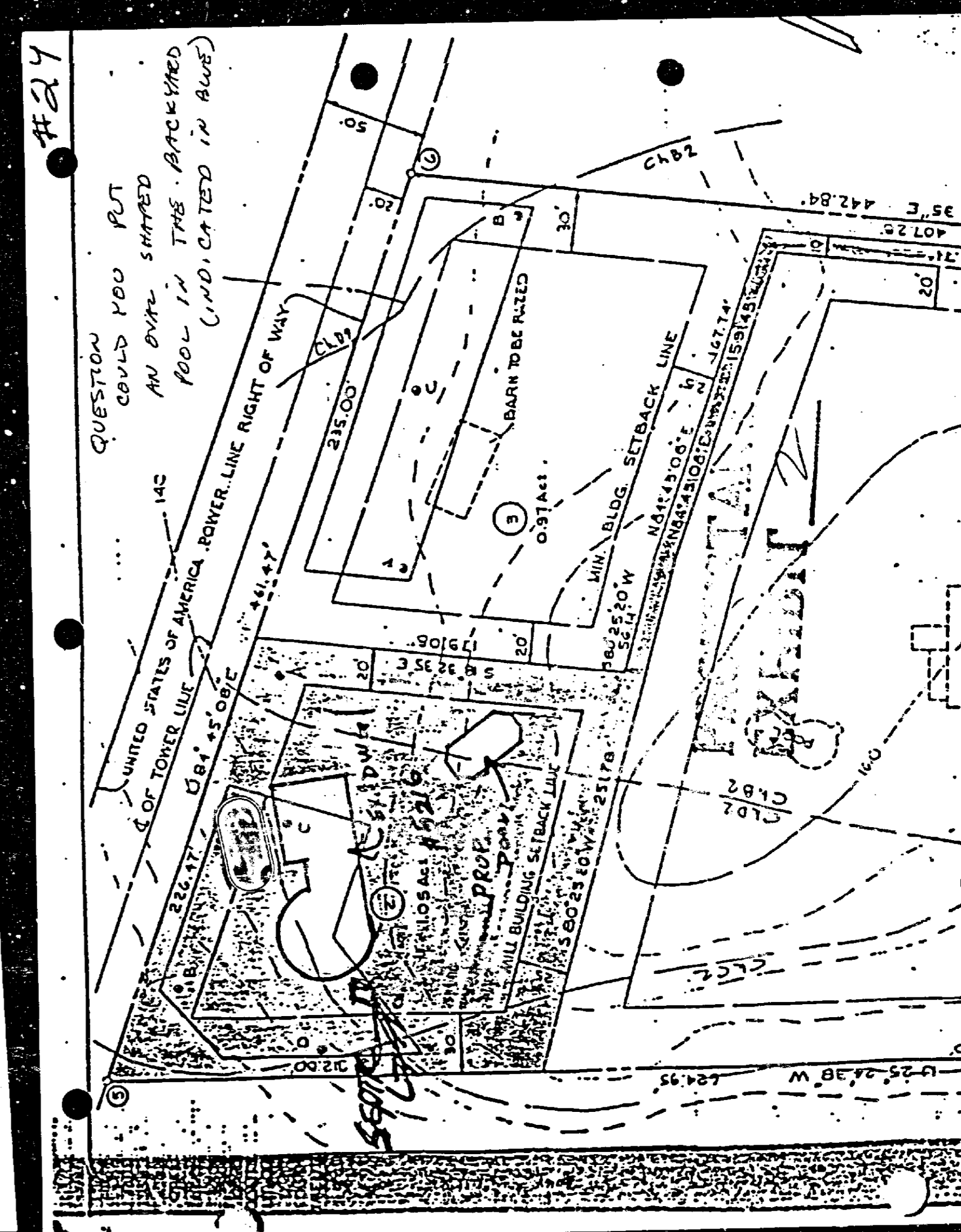
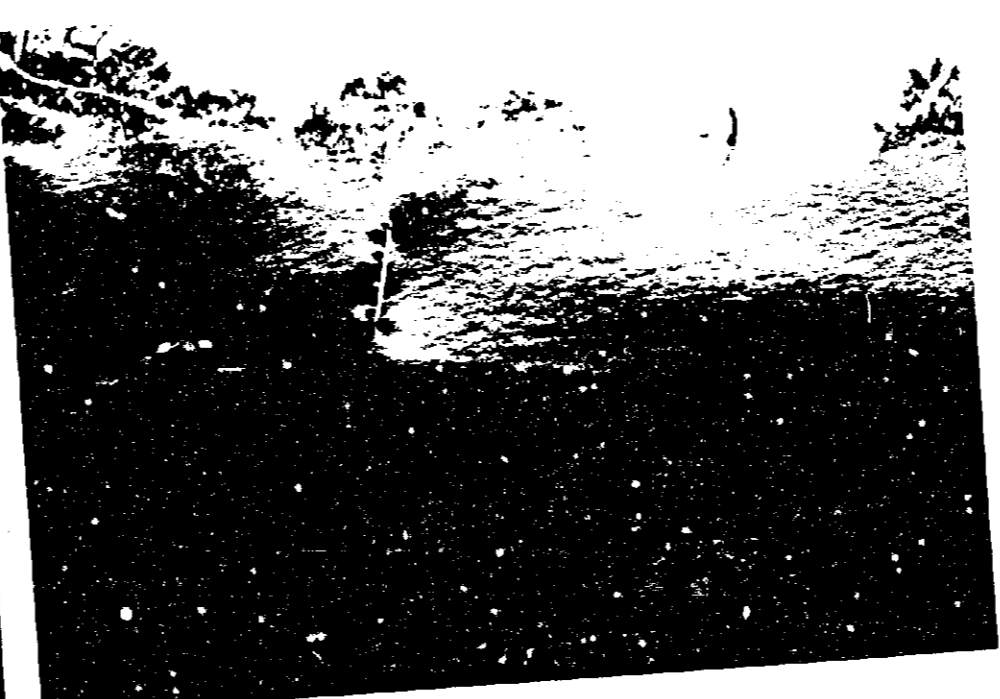
JK/KEK

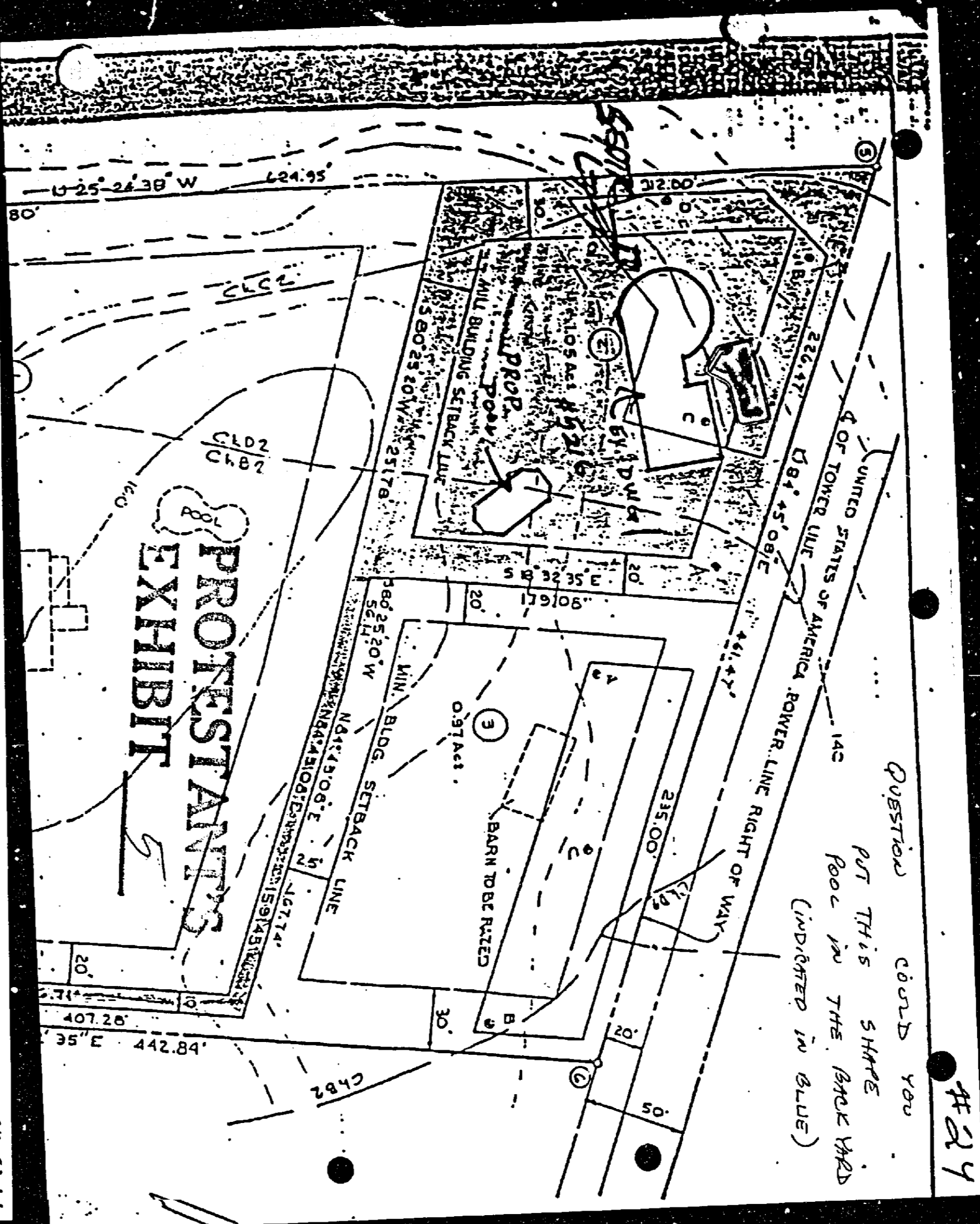
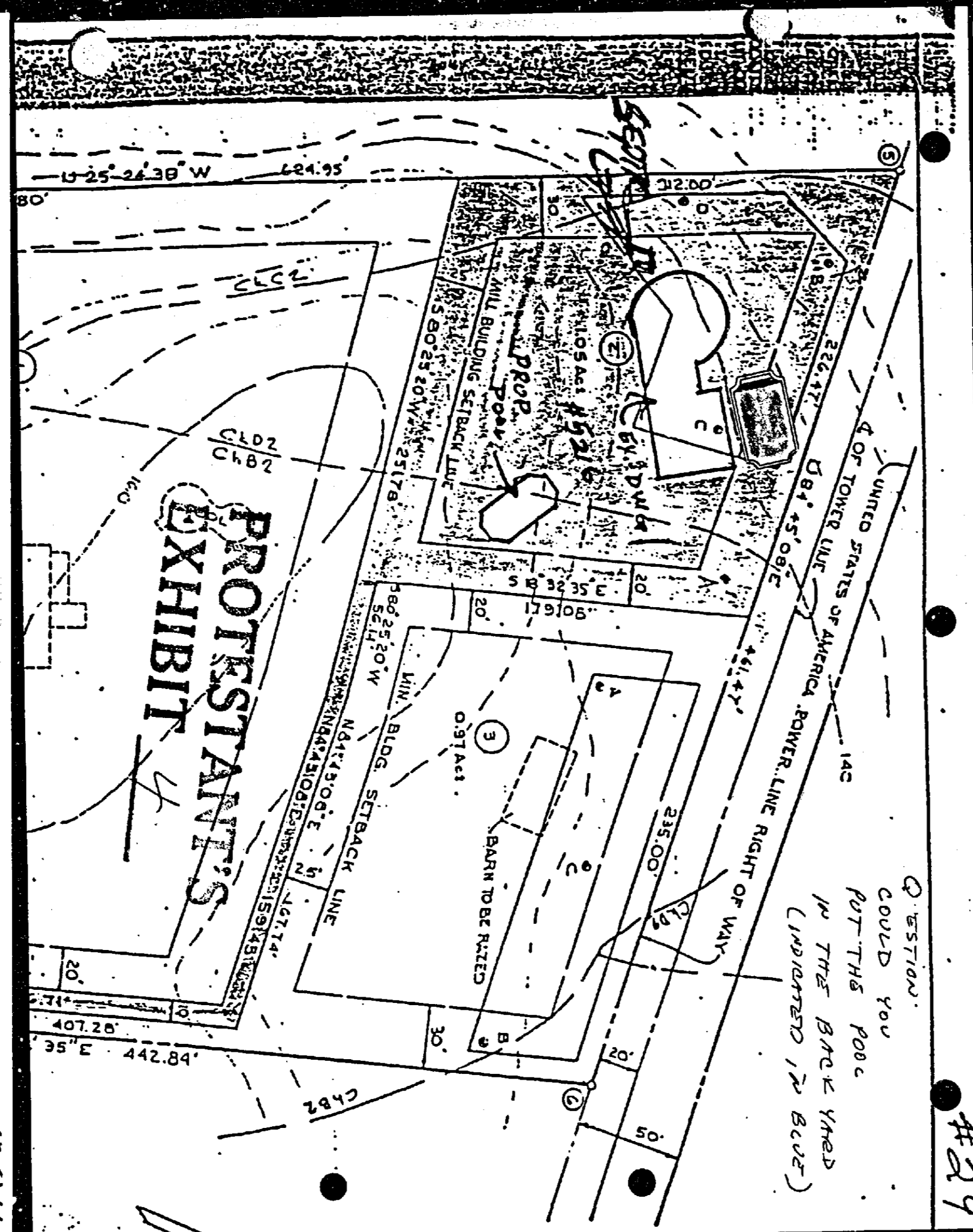
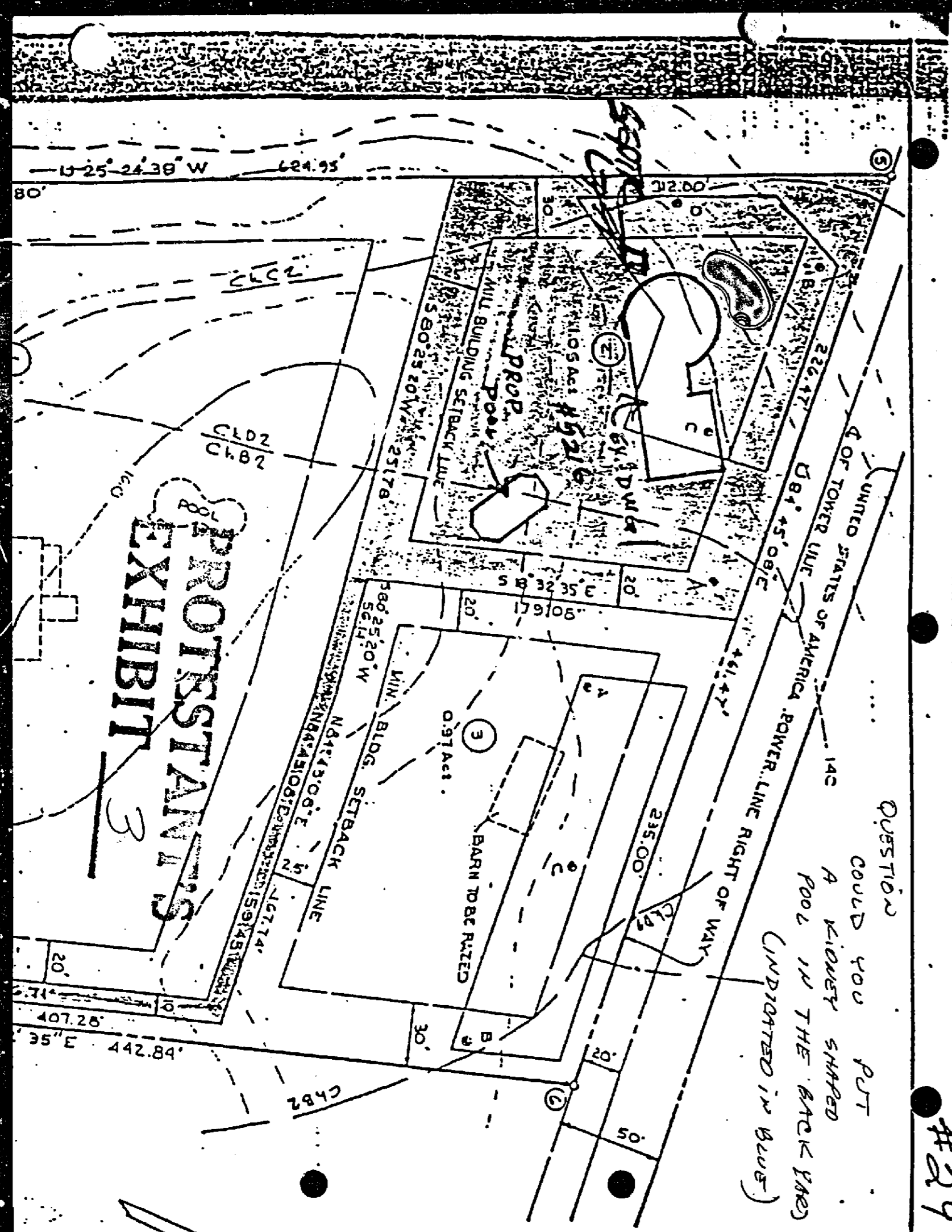
AUG 16 1989

PHOTOGRAPH EXHIBIT (1)



PHOTOGRAPH EXHIBIT (2)





CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Project: 11/1
Date of Posting: 11/1/80
Location of Property: 1111 N. JEFFERSON ST.
Location of Sign: 1111 N. JEFFERSON ST.
Number of Signs: 1
Date of Return: 11/1/80

